

REMARKS

This responds to the Office Action mailed on January 4, 2007.

No claims are amended, no claims are canceled, and no claims are added.

§102 Rejection of the Claims

Claims 1-5 were rejected under 35 U.S.C. § 102(e) in view Fenner et al. (U.S. 6,243,328).

Fenner discloses a recording media storage and player unit, including a playback unit for replaying data retrieved from a selected one of several stored recording media, a communication link for obtaining expanded information associated with the recording medium from an external database, a memory storage location for storing the expanded information locally within the recording media storage and player unit; and a display for displaying the expanded information when the data retrieved from the recording medium is played back (Fenner, Abstract).

Specifically, in Fenner, in order to allow a user to access information that is typically provided with compact disc (CD) containers (jewel boxes) even after the containers are discarded, the player automatically connects to a music database and downloads and stores the available information currently stored in the CD player (Fenner, 7:67 – 8: 32.) Fenner does not offer any details on how it is determined what items of information should be downloaded from the music database to be stored in the CD player.

Claim 1 recites “indicating data” “that can be used for identification of the recording,” said indicating data “obtained from said recorded signal output device.” To show this feature, the Office action cites Fenner at 8: 1-5, which is reproduced below.

“As a plurality of discs are loaded within integrated player 800, it may be difficult for a user to keep track of the identity of each of the stored discs. Additionally, after being loaded, typically a user will not want to retain all of the disc containers (i.e. the “jewel boxes”); but these containers include art work from the cover, liner notes, and other information regarding the discs to which the user may want to refer each time that disc is

played. If the containers are discarded when the discs are loaded into the player, access to such information no longer is available.”

As is evident from the passage above, Fenner discloses that the identifying information provided with a CD container (art work from the cover, liner notes, and other information regarding the disc) *is no longer available if the containers are discarded when the discs are loaded into the player*. There is no mention of “indicating data **obtained from said recorded signal output device**,” recited in claim 1. While Fenner discloses a CD player, that may allow music to be reproduced from a CD-ROM disc (Fenner, 1: 6-16), Fenner fails to disclose or suggest any technique that would permit obtaining indicating data from such signal output device, the indicating data being the data that can be used for identification of the recording. Thus, Fenner fails to disclose or suggest “indicating data, obtained from said recorded signal output device, that can be used for identification of the recording,” as recited in claim 1.

Claim 1 further discloses “a communication device, occasionally in communication with the remote database, to obtain the textual recording name **by sending the indicating data to the remote database**.” To show this feature, the Office action cites Fenner at 8: 40-50, which is reproduced below.

“Integrated player 800 is also adapted to be coupled with expanded external user interface 830, which may be a television set having a remote keyboard or remote control commander, a personal computer or the like, and which provides additional features over that of limited integrated user interface 820, such as displaying cover art from each of the CD discs, song lists, liner notes, and other information or news about the artist or CD disc as may be retrieved from music database 840. Additionally, expanded external user interface 830 allows a user to operate integrated player 800 in a graphic interface mode, for example, allowing a user to select a particular disc to be played by selecting the cover art associated therewith.”

As is evident from the passage above, while Fenner discloses that various information related to the content of the CD may be retrieved from the music database, there is no explanation of the techniques utilized to interrogate the database. In contrast, claim 1 recites “a

communication device ... to obtain the textual recording name **by sending the indicating data to the remote database,**” where the indicating data was obtained from a device to reproduce a recorded signal from the recording. Fenner, therefore, fails to disclose or suggest “a communication device, occasionally in communication with the remote database, to obtain the textual recording name by sending the indicating data to the remote database,” as recited in claim 1.

Claim 1 further discloses “a controller ... to **query the remote database using the indicating data** when communication is established and to supply the textual recording name of the recording from the remote database to said memory.” To show this feature, the Office action cites Fenner at 1: 47-49, which is reproduced below.

“In order to find a particular desired disc, a user must still allow the player to read at least the lead code on the disc, search the player memory, and display the associated characters, also a somewhat time consuming process.”

The passage above, which is taken from the background section of Fenner, specifically describes a multi-disc player where a user can manually enter a small number of characters to be associated with the code of the disc. These characters may then be displayed by the multi-disc player when the disc is selected. First, this approach does not include utilizing a recorded **signal output device** that may be integrated with the multi-disc player to obtain the code, because a **signal output device** is not needed to merely read the lead code on the disk. Second, in the passage above, the process of querying a remote database using the indicating data obtained from a recorded signal output device it is neither mentioned nor contemplated. Thus, Fenner fails to disclose or suggest “a controller ... to **query the remote database using the indicating data,**” as recited in claim 1.

Because Fenner fails to disclose or suggest each and every element of claim 1, claim 1 and its dependent claims are patentable and should be allowed.

Claims 2, 3, 4, and 5, which are dependent on claim 1 are also allowable in view of Fenner due to further reasons articulated below. It is submitted that Fenner fails to disclose or

suggest the communication device being a cellular two-way network interface, as recited in claim 2. While Fenner discloses a two-way communication with an extended external user interface (Fenner, 7:60-65 and Fig. 8), Fenner fails to disclose or suggest “a **cellular** two-way network interface.” Fenner also fails to disclose or suggest **an 802.11a** network interface (recited in claim 3), **an 802.11b** network interface (recited in claim 4) or the apparatus being **mounted in an automobile** (recited in claims 3 and 4). Neither the passages cited by the Office action to show these features nor any other portions of Fenner disclose these features. Furthermore, a **Bluetooth network** interface recited in claim 5 is not mentioned in Fenner either. Thus, the dependent claims 2, 3, 4, and 5 are patentable and should be allowed for the additional reason of Fenner failing to disclose or suggest specific features recited in these dependent claims.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants’ silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner’s personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

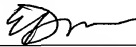
Respectfully submitted,

TIMOTHY DYGERT ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4041

Date 05-16-07

By 
Elena B. Dreszer
Reg. No. 55,128

CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th, day of May 2007.

Name: Dawn R. Shaw

Signature: 